

GOVERNMENT OF ANDHRA PRADESH
A B S R A C T

Social Welfare Department – Land Acquisition for House Sites –West Godavari District - Vallampatla (Singarajupalem) H/o Vallampatla Village T. Narsapuram Mandal – Land Acquired for provision of house sites to the weaker section people – Sanction of Rs. 40,58,397/- towards payment of enhanced decretal charges in E.P.No.166/2011 in AS No.3809/2000 in O.P.No.78/90 – Orders Issued.

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SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 670

Dated: 10.10.2012

Read the following

1. G.O Rt.No.39, SW(LA-1) Deptt., dated 24.01.2008.
2. From the Dist Collector, West Godavari, Lr.No.G1/151/2001 (SW),dt.9.3.2012
3. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA3/5479/2001, dt 15.05.2012.
4. From the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad Lr.No.S2/343/2012, dated 07.07.2012.
5. From the Registrar, I/o A.P., Lokayukta, Hyderabad Lr. Dis.No.2070/2011/B1/LOK/3217/2012, dt 21.7.2012.
6. From the Dist Collector, West Godavari, Lr.No.G1/151/2001(SW),dt.10.9.2012

ORDER:

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad in his Lr 4th read above has stated that the District Collector, West Godavari/Commissioner of Social Welfare, A.P., Hyderabad in their Lrs 2nd and 3rd read above have informed that the LAO/MRO, T. Narsapuram has acquired land to an extent of Ac.9.43 Cts in R.S.No. 26/1 etc of Vallampatla (Singarajupalem), H/o Vallampatla Village of T. Narsapuram Mandal through Award No 3/84 -85 and Procs No.4588/82, dated 10.11.1984 to provide house sites to the Harizen and other weaker sections. The land was taken possession on 28.02.1984 and fixed the market value @ Rs. 5,000/- p.a. and also other benefits under LA. Act. Aggrieved by the fixation of market value, the Claimants have filed O.P. No. 78/90 U/s. 18 of L.A. Act, before the Hon'ble Addl. Senior Civil Judge Court, Eluru and the Lower Court has issued orders dated 24.04.2000 as follows :-

1. That the Claimant 1 to 4 , 6 and 7 are entitled to the enhanced compensation at the rate of Rs. 35,500/- per acre for the lands under acquisition.
2. That the Claimant 1 to 4 , 6 and 7 are not entitled for enhancement of the compensation for the bore well.
3. That the Claimant 1 to 4 , 6 and 7 are entitled to 30% Solatium on the enhanced compensation amount.
4. That the Claimant 1 to 4 , 6 and 7 are entitled to Addl. Amount calculated at 12% per annum from the date of 4 (1) notification (2.2.1983) till the date of taking possession i.e. 28.02.1984 (possession was taken earlier to the award).
5. That the Claimant 1 to 4 , 6 and 7 are entitled to interest at 9% per annum for the first one year and at 15% per annum for the subsequent period from the date of taking possession i.e. 28.02.1984 till the date of deposit into the court on the enhance compensation amount and
6. That the advocate fee is fixed at Rs. 2,000/-.

2. Aggrieved by the Lower Court order dated 24.04.2000 in OP. No. 78/90, the awardees preferred an appeal before the Hon'ble High Court of A.P., Hyderabad. The Hon'ble High Court in its common order dated 24.01.2001 in Appeal Nos: 2176, 2003, 3792 and 3809 of 2000 issued orders as follows :

'We told that the claimants are entitled for enhancement of another sum of Rs. 15,000/- in each of the O.Ps. However, the compensation in all the O.P.s is rounded

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off to Rs. 50,000/- per acre. Therefore, the claimants in all the O.P.s are entitled for compensation of Rs. 50,000/- per acre with other statutory benefits.'

3. Aggrieved by the orders of the Hon'ble High Court of A.P., Hyderabad dated 24.01.2001, the LAO/MRO, T. Narsapuram had preferred SLP No 1964 -1967/2002 before the Hon'ble Supreme Court. The Hon'ble Supreme Court in its order dated 31.03.2006, dismissed the special leave petitions. Based on that, the proposals received from the Commissioner of Social Welfare, A.P., Hyderabad through the Chief Commissioner of Land Administration, A.P., Hyderabad, the Government have issued orders in the G.O. 1st read above, for sanctioning an amount of Rs. 25,43,398/- towards decretal charges to comply the orders of Hon'ble High Court orders in A.S. No. 3792 and 3809 of 2000 in OP. No. 78/90, with a direction to initiate disciplinary action against the officials for the delay of 3 Years in referring the case to Lower Court in the matter. Further the District Collector West Godavari had released an amount of Rs. 15,91,308/- towards E.P.No. 165/2005 and Rs. 9,52,090/- towards E.P.No. 166/2006 in the said OP.

4. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that one of the claimants in E.P. No. 165/05 in O.P. No. 78/90, covered for an extent of Ac. 5.90 Cts in RS. No. 26/1 filed A.S. Miscellaneous Petition vide No : 25299/2001 in A.S. No. 3809/2000, to declare the judgment dated 24.01.2001 in A.S No.3809/2000, as a nullity. The Hon'ble High Court of A.P., Hyderabad in its order dated 02.02.2009 in A.S Mis No.25299/2001 in AS No.3809/2000, petition is ordered. As such, reopened the appeal and the Hon'ble High Court in its order dated 24.03.2009 in A.S. No. 3809/2000, appeal is allowed holding that the appellants are entitled to Rs.1,50,000/- (Rupees One lakh Fifty thousand only) per acre along with all statutory benefits as per the amended provisions of LA Act. Further the Government Pleader for Appeals, High Court of A.P. in his Lr. No. 3809/2000, dated 25.06.2009, opined that the Judgment in A.S.No. 3809/2000 against O.P.No. 78/1990 is well considered Judgment and do not find any grounds to prefer an appeal in the Supreme Court and also advised to comply the orders of Hon'ble High Court orders dated 24.03.2009. The District Collector, West Godavari has submitted proposals for payment of decretal charges for an amount of Rs. 41,24,099/- (Rupees forty one lakhs twenty four thousand and ninety nine only) for the land acquired to an extent of Ac.5.90 Cts in R.S. No. 26/1 etc of Vallampatla (Singarajupalem) H/o. Vallampatla Village of T. Narsapuram Mandal of West Godavari District, for providing house sites to Harizens and weaker section people.

5. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad after verification and scrutiny of the proposals/calculation sheet submitted by the District Collector, West Godavari / Commissioner of Social Welfare, A.P., Hyderabad, has sent comparative calculation sheet for an amount of Rs.40,58,397/- towards payment of decretal charges in O.P.No.78/90 for the land acquired to an extent of Ac. 5.90 in R.S.No. 26/1 etc of Vallampatla (Singarajupalem), H/o Vallampatla Village of T. Narsapuram Mandal of West Godavari District to provide house sites to the Harizens and other weaker section people.

6. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that one of the awardees Sri T. Satyanarayana has filed complaint No.2070/2011 before the Hon'ble A.P., Lokayukta, Hyderabad. The Hon'ble Lokayukta in its orders dated 14.3.2012 has directed to take necessary action for sanction and release of enhanced decretal charges payable to the decree holder. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has also requested the Government to issue necessary orders in AS No.3809/2000 in OP.No.78/90.

7. Government, after careful examination of the above proposal, comparative calculation sheet furnished by the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, and orders of the Hon'ble Lokayukta, A.P., Hyderabad in Complaint No.2070/2011/B1, hereby accord permission to the

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Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs.40,58,397/- (Rupees Forty lakhs Fifty Eight thousand Three hundred and Ninety Seven only) to the District Collector, West Godavari, towards payment of enhanced decretal charges, as per Hon'ble High Court of A.P., order dated. 24.3.2009 in A.S No.3809/ 2000 in O.P.No.78/1990 in respect of the land acquired to an extent of Ac.5.90 Cts in R.S. No. 26/1 etc, of Vallampatla (Singarajupalem), H/o Vallampatla Village of T. Narsapuram Mandal of West Godavari District to provide house sites to the Harizens and other weaker section people.

8. The expenditure sanctioned in para (7) above shall be met within the B.E 2012-13 and debited to the following Head of Account.

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

9. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, West Godavari to comply with the Hon'ble High Court orders dated 24.3.2009 in A.S No.3809/ 2000 in O.P.No.78/1990.

10. The District Collector, West Godavari, shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

12. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Esp.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P.,
Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, West Godavari

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, West Godavari District.

Finance (Exp.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER